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JUL 21 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOHN F. LANCE,

Plaintiff - Appellant,

v.

STATE OF MONTANA; et al.,

Defendants - Appellees.

No. 06-35117

D.C. No. CV-05-00013-DWM

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Submitted July 17, 2006^{**}

Before: B. FLETCHER, HAWKINS and THOMAS, Circuit Judges.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

This appeal from the district court's order denying appellant's motion for preliminary injunction comes to us for review under Ninth Circuit Rule 3-3. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.¹

We express no view on the merits of the complaint. Our sole inquiry is whether the district court abused its discretion in denying preliminary injunctive relief. *See Gregorio T. v. Wilson*, 59 F.3d 1002, 1004-05 (9th Cir. 1995). The record before us shows that the court did not rely on an erroneous legal premise or abuse its discretion in concluding that appellant had failed to demonstrate a likelihood of success on the merits or the threat of imminent irreparable harm and in denying preliminary injunctive relief. *See id.* The court's factual findings and application of legal standards are not clearly erroneous. *See id.* Accordingly, the court's order denying the preliminary injunction is affirmed. All pending motions are denied as moot.

AFFIRMED.

¹ We decline to exercise jurisdiction at this time over the district court's interlocutory order limiting appellant's filings in that court. *See Yamamoto v. Omiya*, 564 F. 2d 1319 (9th Cir. 1977).